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Attorneys for Defendant NIKE, INC.  
[Additional counsel of record listed on signature page]

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,  
LINDSAY ELIZABETH, and HEATHER  
HENDER, individually and on behalf of  
others similarly situated,

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,

Defendant.

Case No.: 3:18-cv-01477-AB

**JOINT STIPULATION REGARDING  
PRE-TRIAL DEADLINES;  
[PROPOSED] ORDER**

Plaintiffs Kelly Cahill, Sara Johnston, Lindsay Elizabeth, and Heather Hender (“Plaintiffs”) and Defendant NIKE, Inc. (“NIKE”) (collectively, the “Parties”), through their respective counsel, hereby stipulate as follows:

WHEREAS, on November 15, 2024, the Court issued its Civil Jury Trial Management Order, which states that motions *in limine* shall not “exceed 30 pages without leave of court” and “[r]esponses to motions *in limine* . . . shall not exceed 15 pages without leave of court.” ECF No. 557 at 3. NIKE believes it needs additional pages for its motion *in limine* because the claims of the four Plaintiffs will be tried together, and as a result, the Parties’ motion *in limine* page allocation must address issues relating to all four Plaintiffs. Plaintiffs agreed to NIKE’s request for additional pages if the Parties also jointly requested a few additional pages for the replies. As a result, the Parties jointly request that motions *in limine* not exceed 40 pages per side and 20 pages for responses.

WHEREAS, on December 19, 2024, the Court ordered the following pre-trial deadlines: (1) pretrial motions to exclude expert testimony, if any, are due by January 21, 2025; (2) responses are due by January 27, 2025; (3) any optional replies are due February 3, 2025; and (4) a hearing on expert motions, if needed, is scheduled for February 14, 2025. *See* ECF No. 578. While Plaintiffs’ expert Dr. David Neumark provided six possible dates for a deposition, his earliest available date is January 20, 2025. To accommodate this, other pretrial obligations, and other agreements of the Parties, after extensive meet and confer communications, the Parties jointly request an extension of the deadline to file any motions to exclude concerning Dr. Neumark or Nike’s rebuttal expert to January 28, 2025, with responses due February 7, 2025, and no replies.

WHEREAS, on November 15, 2024, the Court issued its Civil Jury Trial Management

Order, which requires the Parties to file, after meeting and conferring, a “Joint List of Exhibits and Objections” that includes stipulated exhibits and other information as well as a “Joint Witness List” on February 3, 2025, with:

(1) “all witnesses whose testimony may be received without objection;”

(2) “all other witness testimony that will be the subject of objection together with a concise summary of the challenged testimony, a one-line statement of the admissible purposes for which that challenged testimony is proffered, and a one-line summary statement of the bases for all objections to that proffered testimony;” and

(3) “an estimate of the time necessary to complete the testimony of each witness.”

(4) “If a witness is to be called by both sides, the parties are directed to confer as to the most efficient and fair presentation of testimony.”

ECF No. 557 at 4.

To comply with these requirements, the Parties must exchange witnesses, exhibits, and witness statements, exchange objections regarding same, and have significant meet and confer discussions. After numerous meet and confer discussions to develop a schedule for exchanges and discussions to comply with the JTMO, the following proposal became necessary for the Parties to agree upon such a schedule.

To permit the Parties sufficient time to exchange, meet and confer, and resolve issues concerning exchanged exhibits, witnesses, and witness statements, and potential rebuttal exhibits, potential rebuttal witnesses, and potential rebuttal witness statements, the Parties jointly request that they be permitted to file a “Joint Rebuttal List of Exhibits and Objections” and a “Joint Rebuttal Witness List,” each complying with the requirements set forth in the JTMO, on February 10, 2025 (the Parties will comply with the February 3, 2025 deadline for the Joint List

of Exhibits and Objections and the Joint Witness List).

As a result, based on the foregoing, the Parties request that the Court enter an order making the following modifications to the Court's pre-trial orders:

1. Motions *in limine* shall be filed as sub-parts within a single document not to exceed 40 pages for NIKE and 40 pages in total for Plaintiffs. Responses to motions *in limine* shall not exceed 20 pages for NIKE and 20 pages in total for Plaintiffs.
2. Pretrial motions to exclude expert testimony of Dr. Neumark or NIKE's rebuttal expert witness, if any, shall be filed no later than January 28, 2025. The deadline to file a motion to exclude Jennifer Murphy's expert testimony, if any, shall remain January 21, 2025. *See* ECF No. 578. Any responses to motions to exclude expert testimony shall be filed no later than February 7, 2025. The Parties shall not file replies in support of any motions to exclude expert testimony. Any hearing on motions to exclude expert testimony shall remain on February 14, 2025, pursuant to Court Order (ECF No. 578).
3. If a Party seeks to add any rebuttal exhibits or witnesses, the Parties shall file a "Joint Rebuttal List of Exhibits and Objections" and a "Joint Rebuttal Witness List," each of which must comply the requirements set forth in the Jury Trial Management Order for a "Joint List of Exhibits and Objections" and a "Joint Witness List," on February 10, 2025.

Dated: January 13, 2025

/s/Byron Goldstein  
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Attorneys for Plaintiffs

Dated: January 13, 2025

s/Felicia A. Davis

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Attorneys for Defendant NIKE, Inc.

**SIGNATURE ATTESTATION**

In accordance with Civil Local Rule 11(b)(2), I attest that concurrence in the filing of this document has been obtained from the signatories on this e-filed document.

Dated: January 13, 2025

Respectfully submitted,

PAUL HASTINGS LLP

*s/Felicia A. Davis*  
Felicia A. Davis (*pro hac vice*)

**[PROPOSED] ORDER**

1. Motions *in limine* shall be filed as sub-parts within a single document not to exceed 40 pages in total for NIKE and 40 pages in total for Plaintiffs. Responses to motions *in limine* shall not exceed 20 pages in total for NIKE and 20 pages in total for Plaintiffs.
2. Pretrial motions to exclude expert testimony of Dr. Neumark or NIKE's rebuttal expert witness, if any, shall be filed no later than January 28, 2025. The deadline to file a motion to exclude Jennifer Murphy's expert testimony, if any, shall remain January 21, 2025. *See* ECF No. 578. Any responses to motions to exclude expert testimony shall be filed no later than February 7, 2025. The Parties shall not file replies in support of any motions to exclude expert testimony. Any hearing on motions to exclude expert testimony shall be on February 14, 2025, pursuant to Court Order (ECF No. 578).
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**IT IS SO ORDERED.**

Dated:

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HON. AMY BAGGIO  
United States District Judge